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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,121	02/04/2004	Jason Clay Pearson	71580/US02	4287

7590 02/15/2007
Eric D. Middlemas
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

EXAMINER

SZEKELY, PETER A

ART UNIT	PAPER NUMBER
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1714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/772,121	Applicant(s) PEARSON ET AL.	
	Examiner Peter Szekely	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-33 and 68-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-33 and 68-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The final rejection imposed on 7/24/06 is withdrawn by the examiner in light of applicants' response.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 3-33 and 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. 6,727,303 or Hashimoto et al. 6,780,917, in view of Pfaender et al. 5,859,073 or Hudson et al. 6,077,890, in view of Jackson, Jr. et al. 4,287,325, Morris et al. 4,525,504, Light et al. 4,578,437, Funasaki et al. 4,956,407, Carico et al. 4,972,015, Golder et al. 5,032,631, Dickerson et al. 5,565,715, Minnick et al. 5,919,848, Webster 5,965,261, Cornell et al. 6,054,551, Cobb et al. 6,100,320, Jones et al. 6,103,857, Aylward et al. 6,187,523, Keep 6,277,905, Panandiker et al. 6,284,845, Opalko 6,469,083, Moskala et al. 6,551,688, Jeon et al. 6,342,579, Agneci et al. 2002/0045022 or Pierre et al. 2003/0109629.

3. Ono et al. disclose polycarbonate and polyester in claim 1, metal catalyzed polymerization of polyesters in column 12, lines 43-60, phosphorus-containing compounds from column 21, line 63, to column 24 and column 27, lines 1-7, line 58 UV absorbers from column 27, line 38, to column 28, line 8 and hindered amines in column 28, lines 9-41. Hashimoto et al. teach polyester and polycarbonate in claim 1, metal catalyzed polymerization of polyesters in column 9, lines 47-67, and column 10, lines 1-7, phosphorus-containing compounds from column 22, line 61, to column 23, line 33

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and hindered amines and UV absorbers in column 24, lines 11-31. The other references have been described already in previous Office actions. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the polyesters described in the secondary and tertiary references, with their respective additives, in the compositions of the primary references, since they all show that all kind of polyesters and polycarbonates are customarily stabilized with phosphorus-containing compounds and hindered amines.

Response to Arguments

4. Applicant's arguments filed 12/12/06 have been fully considered but they are not persuasive. Adding phosphorus containing antioxidants and hindered amine light stabilizers to a polycarbonate/polyester composition is routinely done in order to improve the heat and light stability of the compound. Applicants' invention is no more than a newly discovered property of a known composition. That is not a patentable invention. The addition of optional components is obvious. The claimed composition does not have to be specifically disclosed in the Examples. The phosphite of Hudson et al. is a homologue of the one cited by applicants. The rejections are maintained.

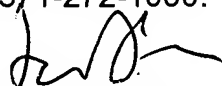
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Peter Szekely
Primary Examiner
Art Unit 1714

P.S.
2/13/07